UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LISA M. O'ROURKE, **Plaintiff**	:	
v.	:	**C.A. No. 1:16-cv-00626-PAS**
TIFFANY AND COMPANY **Defendant**	:	

ANSWER

Defendant Tiffany and Company hereby answers Plaintiff Lisa O'Rourke's Complaint by numbered paragraph as follows:

PARTIES

1. Upon information and belief, admitted.
2. Admitted.

JURISDICTION AND VENUE

3. Paragraph 3 sets forth a legal conclusion to which no response is required.
4. Paragraph 4 sets forth a legal conclusion to which no response is required.
5. Paragraph 5 sets forth a legal conclusion to which no response is required.

FACTUAL BACKGROUND

6. To the extent Paragraph 6 sets forth a legal conclusion, no response is required. Defendant admits that it received the "right to sue" letter attached to the Complaint as Exhibit 1.
7. Defendant lacks sufficient knowledge or information to admit or deny the allegations of Paragraph 7, except that it admits that Defendant received a copy of the document attached to the Complaint as Exhibit 2.

8. Paragraph 8 sets forth a legal conclusion to which no response is required.

9. Admitted.

10. Defendant lacks sufficient knowledge or information to admit or deny the allegations of Paragraph 10, except that it admits that Plaintiff represented she was undergoing surgeries in January and February of 2014 to address a risk of cancer, that Defendant accommodated her with a leave of absence, and that she returned to work on May 12, 2014.

11. Defendant lacks sufficient knowledge or information to admit or deny whether Plaintiff was required to have a third surgery, but admits that Plaintiff began a medical leave on July 17, 2014, that she represented she needed to take leave for surgery, and that she returned to work on August 11, 2014. Defendant lacks sufficient knowledge or information to admit or deny whether the alleged conversation between Plaintiff and Karen Curtis detailed in Paragraph 11 occurred, but admits that it informed Plaintiff that if she decided to proceed with surgery, her job would be available when she was ready to return to work.

12. Defendant lacks sufficient knowledge or information to admit or deny whether Plaintiff required an additional surgery, but admits that on October 9, 2015 Plaintiff informed its Human Resource Manager and her supervisor that she intended to undergo surgery.

13. Admitted.

14. Paragraph 14 sets forth a legal conclusion to which no response is required, and is otherwise denied.

15. Paragraph 15 sets forth a legal conclusion to which no response is required, and is otherwise denied.

COUNT I

Rhode Island Fair Employment Practices Act

16. Defendant incorporates by reference its response to Paragraphs 1-15 above.

17. Paragraph 17 sets forth a legal conclusion to which no response is required, and is otherwise denied.

18. Paragraph 18 sets forth a legal conclusion to which no response is required, and is otherwise denied.

AFFIRMATIVE DEFENSES

Affirmative Defense No. 1

Plaintiff fails to state a claim upon which relief can be granted.

Affirmative Defense No. 2

Plaintiff is not a disabled person within the meaning of the law.

Affirmative Defense No. 3

Plaintiff's claims, in whole or in part, are barred by the applicable statute of limitations.

Affirmative Defense No. 4

Defendant took all actions for legitimate, non-discriminatory business reasons.

Affirmative Defense No. 5

Plaintiff has no evidence of pretext.

Affirmative Defense No. 6

No causal connection exists between Plaintiff's notification of the need for additional surgery in and Defendant's decision to eliminate her position.

Affirmative Defense No. 7

Defendant provided Plaintiff with reasonable accommodation(s), and to the extent Plaintiff sought additional accommodations, they were unreasonable as a matter of law and/or would cause Defendant undue hardship.

Affirmative Defense No. 8

Plaintiff failed to mitigate her damages.

Affirmative Defense No. 9

Plaintiff is bound by an agreement to arbitrate claims against Defendant.

Reservation of Rights

Defendant reserves the right to raise additional affirmative defenses as discovery proceeds.

TIFFANY AND COMPANY
By its Attorneys,

/s/ Stacie Boeniger Collier
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December 29, 2016

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2016, a copy of the foregoing document was electronically served on Plaintiff's counsel, Kathleen M. Hagerty, Esq. and Thomas More Dickinson, Esq. through the ECF system.

/s/ Stacie Boeniger Collier
Stacie Boeniger Collier